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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,155	09/29/2000	Elizabeth Ann Murphy	19046.0001	3336

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EXAMINER
SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 08/21/2003   *14*

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/675,155	Applicant(s) MURPHY ET AL.
	Examiner John L Sotomayor	Art Unit 3714

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on ~~14 July~~ *08 May* 2003 .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-72_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-12,14-31,33-50 and 52-72_ is/are rejected.

7) ☒ Claim(s) _13,32 and 51_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   In response to the amendment filed $_\wedge$ 14 July 2003, claims 1-72 are pending.

2.   Prosecution on the merits of this application is reopened on claims 1-72 considered

unpatentable for the reasons indicated below:

Each of the newly amended and broadened independent claims 1, 20 and 39 recite the creation of

a profile specifically for a user, determining personalized professional training information to

provide a user based on the created profile, providing the personalized professional training

directly to the user, wherein the profile defines the user's unique training requirements for a

business professional role. In the enclosed newly found reference Hekmatpour (US 5,720,007)

each of these elements of the invention are disclosed (see rejection below).

3.   Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has

already been paid, applicant may request a refund or request that the fee be credited to a deposit

account. However, applicant may wait until the application is either found allowable or held

abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that

the previously submitted issue fee be applied. If abandoned, applicant may request refund or

credit to a specified Deposit Account.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-6,8-12, 14-25, 27-31 and 33-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Hekmatpour (US 5,720,007).

6.   Regarding claims 1 and 20, Hekmatpour discloses a training method that can be used with a computer network (Col 6, lines 26-30), the creation of a user profile (Fig. 12), using the profile to determine what personalized training a user is to receive (Col 20, lines 46-53), providing the personalized training directly to the user (Fig. 12), and that the profile defines a user's unique training requirements for a business professional role (Col 27, lines 18-20). The training provided to each user is personalized through the profile database. Profile personalization begins by assigning each student to one of four categories based upon her/her profile: beginner, novice, intermediate, and expert (Col 28, lines 32-34). The training is further personalized by the user of certification procedures, which test a trainee's progress, track performance, and help the trainee concentrate on problem areas, and the use of certification modules to provide meaningful feedback (Col 29, lines 1-15). The certification modules are used to update the user profile database (Col 20, lines 51-53).

7.   Regarding claims 2 and 21, Hekmatpour discloses a system in which training progress and activity data are generated and stored on the database server in a user profile database (Col 20, lines 49-64).

8.   Regarding claims 3 and 22, Hekmatpour discloses a system and method wherein compliance knowledge, training progress and training performance data are all stored on an individual login basis (Fig. 12).

9.   In regard to claims 4 and 23, Hekmatpour discloses that all data generated and received

by the system is stored on a database server (Col 27, lines 35-62).

10.   In regard to claims 5 and 24, Hekmatpour discloses a system and method that generates

documents such as administrative reports from database records that contain compliance

knowledge, training progress and training performance data (Col 29,lines 28-51).

11.   In regard to claims 6 and 25, Hekmatpour discloses a system and method that generates

administrative reports in accordance with administrator instructions (Col 29,lines 28-51).

12.   In regard to claims 8 and 27, Hekmatpour discloses that the generated documents are

stored on a database server (Col 29, lines 45-51).

13.   In regard to claims 9-11 and 28-30, Hekmatpour discloses that the system and method

manages several types of knowledge, links these knowledge areas to one another, and includes

descriptive text as an integral feature of the knowledge areas (Col 28, lines18-48).

14.   In regard to claims 12 and 31, Hekmatpour discloses that the system and method

manages a plurality of knowledge types (Col 27, lines 35-46).

15.   In regard to claim 14 and 33, Hekmatpour discloses a system and method that enables

communication between one or more users (Col 9, lines 53-54).

16.   In regard to claim 15 and 34, Hekmatpour discloses a system and method that provides

reference compliance knowledge based upon a login (Col 27, lines 35-36).

17.   In regard to claims 16-19 and 35-38, Hekmatpour discloses a system and method for

administering and tracking compliance knowledge data based upon individual login accounts, the

creation and tracking of user profile information, providing notification for compliance of users,

and distributing this information to qualified administrators (Col 20, lines 46-67).

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

19.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness
            or nonobviousness.

20.   Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hekmatpour in view of Hollingsworth (US 6,157,808). Hekmatpour discloses that generated

documents are stored on a database server in accordance with administrative instructions (Col

29, lines 24-31). Hekmatpour does not specifically disclose that this is a first set of

administrative instructions. However, Hollingsworth teaches a process for determining the

training needs of employees on an ongoing basis, which shows that there is a first set of

administrative instructions as well as a number of subsequent administrative instructions that

require document storage on the server (Col 3, lines 15-32). The generation of documentation

relating to employee performance and training goals established and met is an established,

ongoing process in both prior inventions. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of invention to provide a method and system for storing

documents on the server in response to the first set, as well as subsequent sets, of administrative

instructions.

21.   Claims 39-50 and 52-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Linton (US 6,282,404) in view of Hekmatpour.

22.   In regard to claim 39, Linton discloses a computer system and server coupled to the

network for obtaining login data (Col 5, lines 35-65), providing compliance knowledge to a

networked computer based upon the login (Col 6, lines 25-36), providing personalized

professional training information based on the login data (Col 7, lines 35-37 and Col 10, lines

10-34), and generating compliance knowledge, personal training activity and tracking this

information (Col 10, lines 10-62). Linton does not specifically disclose that the compliance

knowledge is for a business professional role or the mechanism for determining such

information. However, Hekmatpour teaches that in an interactive certification and training

system a primary function is to identify licensing compliance information for all employees, and

that such information is related to each employee's business professional role within the

company (Col 27, lines 18-46). For an interactive training system and method to be most useful,

the information must be stored in a database on a per employee basis, just as password and login

information is stored. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of invention to provide a system that stored business professional role information for

each individual employee in a database and linked such information to individual employee

accounts such that the compliance information could be retrieved upon login.

23.   In regard to claim 40, Linton discloses that training progress and activity data are

generated and stored on the database server (Col 10, lines 10-34).

24.   In regard to claim 41, Linton discloses a server wherein compliance knowledge, training

progress and training performance data are all stored on an individual login basis (Col 6, lines

21-36).

25.   In regard to claim 42, Linton discloses that all data generated and received by the system

is stored on a database server coupled to the network (Col 9, lines 9-10).

26.   In regard to claim 43, Linton discloses a system and method that generates administrative

reports that contain compliance knowledge, training progress and training performance data (Col

9, lines 37-65).

27.   In regard to claim 44, Linton discloses that generated documents are stored on a database

server in accordance with administrative instructions (Col 9, lines 66-67). Linton does not

specifically disclose that this is a first set of administrative instructions. However, Hekmatpour

teaches a process for determining the training needs of employees on an ongoing basis, which

shows that there is a first set of administrative instructions as well as a number of subsequent

administrative instructions that require document storage on the server (Col 28, lines 28-48).

The generation of documentation relating to employee performance and training goals

established and met is an established, ongoing process in both prior inventions. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of invention to provide a

method and system for storing documents on the server in response to the first set, as well as

subsequent sets, of administrative instructions.

28.   In regard to claim 45, Linton discloses that the generated documents are stored and updated on a database server (Col 9, lines 37-40 and Col 11, lines 1-12).

29.   In regard to claim 46, Linton discloses a computer system for providing administration instructions (Col 10, lines 35-62)

30.   In regard to claims 47-48, Linton discloses that the system manages several types of knowledge, links these knowledge areas to one another, and includes descriptive text as an integral feature of the knowledge areas (Col 7, lines 18-58).

31.   In regard to claims 49-50, Linton discloses that the system manages a plurality of knowledge types containing, embedded within, links to other data across the network (Col 7, lines 50-58).

32.   In regard to claim 52, Linton discloses a computer system that enables communication between one or more users (Col 10, lines 35-46).

33.   In regard to claim 53, Linton discloses a computer system that provides reference compliance knowledge based upon a login (Col 8, lines 65-66).

34.   In regard to claims 54-57, Linton discloses a computer system for administering and tracking compliance knowledge data based upon individual login accounts, the creation and tracking of user profile information, providing notification for compliance of users, and distributing this information to qualified administrators (Col 10, lines 2-62).

35.   In regard to claims 58, 64 and 68, Linton discloses the use of compliance knowledge for employees (Col 3, lines 29-42). Linton does not specifically disclose the generation of compliance knowledge use data. However, Hekmatpour teaches that information concerning the use of compliance knowledge can be generated as part of an ongoing process of employee

training evaluation (Col 28, lines 28-48). Information concerning how compliance knowledge is used closes the feedback loop on the training compliance process and provides a method for making the process more efficient. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a means to generate information concerning the use of compliance knowledge.

36.   In regard to claims 59 and 69, Linton discloses the use of compliance knowledge for employees in association with the login for each employee (Col 3, lines 29-42, Col 7, lines 18-29). Linton does not specifically disclose the generation of such compliance knowledge use data. However, Hekmatpour teaches that information concerning the use of compliance knowledge can be generated and stored on the server as part of an ongoing process of employee training evaluation on a per employee basis (Col 27, lines 35-46). Information concerning how compliance knowledge is used closes the feedback loop on the training compliance process and provides a method for making the process more efficient and thus should be associated on a per employee basis through the use of login profiles. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a means to generate information concerning the use of compliance knowledge associated with each employee through a login process.

37.   In regard to claims 60, 65 and 70, Linton discloses the use of compliance knowledge for employees in association with the login for each employee (Col 3, lines 29-42). Linton does not specifically disclose the generation of such compliance knowledge use data or the storage of such data in a data repository. However, Hekmatpour teaches that information concerning the use of compliance knowledge can be generated and stored on the server as part of an ongoing

process of employee training evaluation (Col 27, lines 35-46). Information concerning how compliance knowledge is used closes the feedback loop on the training compliance process and provides a method for making the process more efficient and thus should be stored for later perusal. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a means to generate information concerning the use of compliance knowledge and to store such information on the server.

38.   In regard to claims 61-62, 66-67 and 71-72, Linton discloses the use of compliance knowledge for employees and the generation of reports containing this information (Col 7, lines 35-40). Linton does not specifically disclose the generation of such compliance knowledge use data or the generation of reports containing this information. However, Hekmatpour teaches that information concerning the use of compliance knowledge can be generated and stored on the server and later provided in reports to management (Col 29, 28-51). Information concerning how compliance knowledge is used closes the feedback loop on the training compliance process and provides a method for making the process more efficient and thus should be reported to management on an ongoing, periodically updated basis. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a means to generate information concerning the use of compliance knowledge and to generate reports for management containing this information on an ongoing, periodically updated basis.

Allowable Subject Matter

Claims 13, 32 and 51 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. Claims 13, 32 and 51 all recite a communications link

embedded in the individual user profiles for use in establishing a communications channel

between employees on an as needed basis. The prior art does not disclose or teach the

embedding of a communications link in the user profile in combination with the limitations of
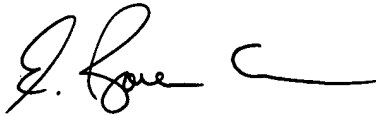
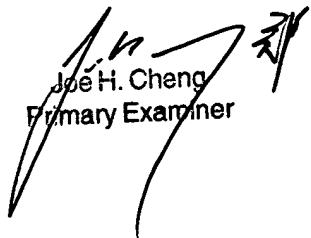the preceding independent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558.

The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-8361 for regular

communications and 703-746-8361 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4558.

jls
July 16, 2003

E. ROLLINS-CROSS
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Joe H. Cheng
Primary Examiner